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Report to the Chairman, Committee on the Judiciary, U.S. Senate

February 1988

NATIONAL DRUG POLICY BOARD

Leadership Evolving, Greater Role in Developing Budgets Possible

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GAO

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General Government Division

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February 12, 1988

The Honorable Joseph R. Biden
Chairman, Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

This report responds to your request that we review the activities of the National Drug Policy Board (formerly the National Drug Enforcement Policy Board) to determine if it has fulfilled its responsibilities under the Comprehensive Crime Control Act of 1984 to facilitate coordination of federal drug law enforcement operations and policy. We testified before your Committee on May 14, 1987, on the need for strong central oversight of the federal government's "war on drugs" and the role of the Policy Board in providing such central oversight.

As arranged with your office, unless you publicly release its contents earlier, we plan no further distribution until 30 days after the date of this report. At that time, we will send copies to the Attorney General, who chairs the Policy Board, and other interested parties.

Sincerely yours,

Arnold P. Jones
Senior Associate Director

Executive Summary

Purpose

The Comprehensive Crime Control Act of 1984 established the National Drug Enforcement Policy Board to facilitate the coordination of federal drug law enforcement efforts. At the request of the Chairman of the Senate Judiciary Committee, GAO reviewed the activities of the Policy Board to determine if it has fulfilled its responsibilities under the act.

Background

Drug abuse is a serious national problem. Federal efforts to combat drug abuse in the United States involve a dual strategy of (1) reducing the supply of illicit drugs through drug law enforcement and (2) reducing the demand for these drugs through prevention and treatment efforts.

Thirty-two federal agencies are involved to some degree in federal drug control efforts. The total federal drug abuse control budget for fiscal year 1987 was about $3.93 billion, a 73 percent increase over funding in fiscal year 1986 (about $2.27 billion). Funding for drug law enforcement rose from $1.88 billion in fiscal year 1986 to $2.97 billion in fiscal year 1987, a 58 percent rise. The respective balances were directed to drug abuse prevention and treatment.

The Comprehensive Crime Control Act of 1984 created the National Drug Enforcement Policy Board to facilitate coordination among the federal agencies involved in drug law enforcement. In March 1987, President Reagan issued Executive Order 12590 expanding the responsibilities of the Policy Board to include oversight of federal drug prevention and treatment efforts and changing the name of the Policy Board to the National Drug Policy Board. This report covers only the drug law enforcement activities of the Policy Board.

When Congress created the Policy Board it specified that the Policy Board has the responsibility for and authority to (1) review, evaluate, and develop policy and strategy, including the development of budgetary priorities; (2) facilitate coordination of federal efforts to halt national and international trafficking in illegal drugs; and (3) coordinate the collection and evaluation of information necessary to implement U. S. policy with respect to illegal drug law enforcement.

Results in Brief

The Policy Board brings together drug law enforcement officials at several levels—cabinet members, agency heads, and program managers—enabling them to discuss, plan, and coordinate operations and programs and provides a forum to discuss and resolve interagency disputes. GAO believes that the Policy Board's efforts to facilitate coordination have

been worthwhile and responsive to the requirements of the law establishing the Policy Board.

The Policy Board has developed policy to the extent that it has issued two policy directives and made policy decisions to facilitate special drug enforcement operations. It also has issued the National and International Drug Law Enforcement Strategy, which is an amalgamation of existing strategies employed by drug law enforcement agencies.

The Policy Board has been hindered in developing budgetary priorities because of the lack of information on resources devoted to drug control programs and the results of these programs. A consolidated drug control budget including breakdowns of expenditures for each component of the Strategy has been developed and implementation plans for each component including measurable objectives have been prepared for the Policy Board.

This information could be the basis for developing the necessary budgetary priorities. Whether the Policy Board uses the information for the purpose of developing budgetary priorities remains to be seen.

GAO's Analysis

Efforts to Provide Coordination

The Policy Board cites many achievements in facilitating coordination among agencies involved in drug law enforcement. GAO's analysis of selected accomplishments showed that the Policy Board has helped ensure coordination among the federal agencies. The Policy Board helped formulate Operation Alliance—a multiagency effort designed to control the flow of drugs, firearms, and illegal aliens across the southwest border. It also made decisions to improve air interdiction capabilities in the Southeast United States and to implement Operation Blast Furnace, which was a multiagency effort aimed at helping the Bolivian government destroy cocaine laboratories. In addition, the Policy Board ensured the establishment of a mechanism for collecting information on drug seizures and resolved conflicts among involved agencies on how the data should be accumulated. (See pp. 15 to 19 for these and other examples of the Policy Board's coordination activities.)

Development of Anti-Drug Policy and Strategy

The Policy Board has issued two policy directives. One of the policy directives relates to managing international crises precipitated by illegal drug trafficking, and the other relates to designating agencies for each aspect of federal drug law enforcement efforts. This latter directive was issued to comply with a provision of the National Defense Authorization Act for fiscal year 1987. Other policy decisions were made to facilitate specific initiatives such as providing Border Patrol officers involved in Operation Alliance with expanded search and arrest authority. (See pp. 20 to 22.)

In January 1987, the Policy Board issued an anti-drug strategy publication entitled the National and International Drug Law Enforcement Strategy. Developed by those agencies with legislative mandates for performing specific aspects of drug law enforcement, this work is an amalgamation of existing strategies employed by drug law enforcement agencies. It identifies five major components of the anti-drug program—intelligence, international drug control, interdiction and border control, investigation and prosecution, and controlling the diversion of legally produced drugs. It describes the general nature and objectives of federal drug law enforcement activities relating to each component. The Strategy does not contain operational guidance setting forth specific action to be taken by drug law enforcement agencies. However, implementation plans containing goals and specific actions needed to achieve those goals have been developed for each component of the Strategy. As of November 20, 1987, the Policy Board had not yet approved the plans. (See pp. 22 to 25.)

GAO believes that the Policy Board's actions in setting drug law enforcement policy and strategy are consistent with its charge in the Comprehensive Crime Control Act of 1984. (See p. 28.)

Budgetary Priorities Have Not Been Developed

Under the Comprehensive Crime Control Act of 1984, the Policy Board has the responsibility for and the authority to develop budgetary priorities among the various federal drug law enforcement programs. The act also states that the Chairman, on behalf of the Board, is authorized to review and approve the reprogramming of funds to reflect budgetary priorities. At the first Board meeting in April 1985, the Chairman defined the Policy Board's role in the budget process as one of reviewing and determining where reallocations should be made. The Policy Board has contributed to providing a better understanding of federal expenditures for the various components of the federal strategy, but has not

developed budgetary priorities. The implementation plans being developed with regard to the National and International Drug Law Enforcement Strategy could be the basis for the Policy Board to develop budgetary priorities. (See pp. 25 to 27.)

Agency Comments

As requested by the Chairman's office, GAO did not obtain official comments from the Policy Board on a draft of this report. However, GAO discussed the information it contains with a Policy Board official who generally agreed with the facts as presented. The official said that the Board would have to approve the implementation plans before making a decision as to whether to use them to set budgetary priorities.

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Abbreviations

DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
INS	Immigration and Naturalization Service
IRS	Internal Revenue Service
NNBIS	National Narcotics Border Interdiction System
OMB	Office of Management and Budget

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Introduction

The Comprehensive Crime Control Act of 1984 established the National Drug Enforcement Policy Board to facilitate the coordination of federal drug law enforcement efforts. At the request of the Chairman of the Senate Judiciary Committee, we reviewed the role and activities of the Policy Board in carrying out its responsibilities under the act.

In March 1987, while our review work was underway, President Reagan issued Executive Order 12590, which expanded the responsibilities of the Policy Board to include oversight of federal drug prevention and treatment efforts. The order also changed the name of the National Drug Enforcement Policy Board to the National Drug Policy Board. Despite these changes, we concentrated on the drug law enforcement activities provided for in the Comprehensive Crime Control Act as originally requested by the Chairman and as agreed with the Chairman's office. Thus we excluded the Policy Board's new responsibilities and activities relating to drug prevention and treatment efforts. Throughout this report, however, we refer to both the National Drug Enforcement Policy Board and the National Drug Policy Board as the Policy Board.

Many Agencies Are Involved in Federal Drug Control Efforts

Drug abuse is an ongoing concern in the United States and the federal government has been working to reduce the availability and use of illegal drugs. The majority of federal drug control resources have been targeted toward drug law enforcement rather than drug abuse prevention and treatment. The total federal drug abuse control budget for fiscal year 1987 was about $3.93 billion, a 73 percent increase over funding in fiscal year 1986 (about $2.27 billion). Funding for drug law enforcement rose from about $1.88 billion in fiscal year 1986 to $2.97 billion in fiscal year 1987, a 58 percent rise. The respective balances were directed to drug abuse prevention and treatment.

Thirty-two federal departments and agencies are involved to some degree in federal drug control efforts. As described in the National and International Drug Law Enforcement Strategy issued by the Policy Board in January 1987, the two basic elements of these federal efforts are (1) drug supply reduction and (2) drug demand reduction. The Strategy delineates supply reduction into five functional components: investigations and prosecution, international programs, intelligence, interdiction, and controlling the diversion of legally produced drugs. Demand reduction efforts include education, prevention, treatment, detoxification, and research.

The activities of the agencies involved in carrying out the federal drug control program share a common goal of reducing drug abuse in the United States, thus making oversight and coordination of their efforts imperative. Although a single agency or department often has primary responsibility for each of the elements of the federal effort, other agencies assist these primary agencies. The following provides general information on the primary and support agencies for those elements where there is multiagency involvement in drug law enforcement:

- Investigations - The Department of Justice's Drug Enforcement Administration (DEA) is the primary agency for drug investigations and specializes in investigations of major drug traffickers. The Federal Bureau of Investigation (FBI) has concurrent jurisdiction but emphasizes investigations of organized crime's role in drug trafficking. The Department of the Treasury's Customs Service performs investigations of drug smuggling activities, and the Internal Revenue Service (IRS) and Customs are involved in drug money laundering investigations.
- International Programs - The Department of State coordinates all drug control efforts overseas and has primary responsibility for enlisting drug producing countries' support for crop eradication and drug interdiction programs. DEA agents stationed overseas assist foreign drug law enforcement officials in investigations and collect international drug data. Customs and IRS station personnel in many foreign countries, including drug source countries.
- Intelligence - DEA is the primary drug intelligence gathering agency, collecting intelligence on drug trafficking organizations and patterns both domestically and overseas. The national intelligence community provides information to drug law enforcement agencies on foreign drug production and trafficking. Customs and the Department of Transportation's Coast Guard have intelligence programs which include some intelligence gathering, but they depend heavily on intelligence information from DEA and the national intelligence community.
- Interdiction - Drug interdiction is primarily the responsibility of Customs and the Coast Guard. Customs has responsibility for interdicting drugs smuggled in cargo or by passengers through U.S. ports of entry and across the U.S. border between the ports. The Coast Guard shares marine interdiction responsibilities with Customs within 12 miles of the U.S. coastline and is the primary interdiction agency on the high seas. The Department of Justice's Immigration and Naturalization Service (INS) assists Customs in interdicting drugs between ports of entry. The Department of Defense supports the interdiction efforts of these agencies by loaning equipment and providing surveillance information.

GAO has long recognized the need for strong central oversight of federal anti-drug efforts. In our 1979 report, Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes (GAO GGD-80-4, Oct. 25, 1979) and in our 1983 report, Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983), we identified drug law enforcement problems resulting from fragmented drug supply reduction activities and pointed to the need for centralized direction and greater coordination of all federal drug supply reduction activities.

Congress Established the Policy Board to Coordinate Drug Supply Reduction Efforts

Since the 1960s, Congress and the executive branch have endeavored to alleviate the fragmentation of federal efforts to reduce the supply of illegal drugs in the United States. These efforts include realignments of federal agency responsibilities, such as occurred in 1973, with President Nixon's Reorganization Plan No. 2 which created DEA and designated it the lead agency for drug law enforcement.

Two other initiatives provided for centralized direction of drug control efforts in the Executive Office of the President. In 1972, President Nixon established in the Executive Office of the President the Special Action Office for Drug Abuse. The Drug Abuse Office and Treatment Act of 1972 later gave the Office a statutory base for 3 years. In 1976 Congress amended the 1972 act to create the Office of Drug Abuse Policy, also in the Executive Office of the President. President Ford, however, did not establish the office. In 1977, President Carter reorganized the Executive Office of the President, and placed the functions of the Office of Drug Abuse Policy within a unit of the Domestic Policy Staff. In 1982, President Reagan designated this unit the Drug Abuse Policy Office.

In 1982, legislation passed Congress and was sent to the President for signature establishing a single agency with authority to direct national and international drug enforcement efforts. The President vetoed the legislation saying that this bill would create another layer of bureaucracy within the executive branch that "would produce friction, disrupt effective law enforcement, and could threaten the integrity of criminal investigations and prosecutions." He also said the aim of the proposed legislation of promoting coordination was being achieved by the existing administrative system.

In 1983, Congress began consideration of new legislation to assign authority to a single official who would provide unified direction of federal efforts to curb illegal drug trafficking. An amendment to the proposed legislation substituted a policy-making board in place of a single official. This amendment was included in the Comprehensive Crime Control Act of 1984, which was signed into law on October 12, 1984.

The act stated that the overall responsibility of the Policy Board was to facilitate coordination of U.S. operations and policy with regard to illegal drug law enforcement. The act says that:

"in the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to (1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy, (2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs, and (3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement."

The act designated the Attorney General as Chairman of the Board. Board members, as specified in the act, included the Secretaries of State, the Treasury, Transportation, Defense, Health and Human Services; and the Directors of the Office of Management and Budget (OMB) and the Central Intelligence Agency.

As previously mentioned, in March 1987, the President signed Executive Order 12590, which created the National Drug Policy Board. The order assigned the new Board all of the responsibilities of the National Drug Enforcement Policy Board, as well as responsibility for policy and resource coordination for drug prevention, education, treatment, and research programs.

The new Policy Board includes the original Board members and adds the Secretaries of the Interior, Agriculture, Labor, Housing and Urban Development, Energy, and Education; the Assistant to the President for National Security Affairs; the Chief of Staff to the Vice President; the Director of the White House Drug Abuse Policy Office; and other such members as the President may designate. The Attorney General continues as Chairman of the Policy Board and the Director of Health and Human Services is designated the Vice Chairman.

The Policy Board is organized into three levels: (1) the cabinet level Board; (2) two subcabinet level coordinating groups of assistant secretaries, commissioners, etc. (one coordinating group is concerned with drug law enforcement and the other coordinating group is concerned with drug prevention and treatment); and (3) the Policy Board staff made up of personnel detailed from agencies involved in drug abuse control efforts. While all members of the Board, coordinating groups, and staff share the common goal of reducing drug abuse in the United States, they represent their parent agencies, which have different and sometimes conflicting goals and priorities.

The Board and the coordinating groups meet approximately once a month for about an hour. Issues concerning drug policy, strategy, and programs are usually first considered by the cognizant coordinating group, which attempts to reach consensus among the membership on resolution. Those issues that cannot be resolved at the coordinating group level are referred to the Board, along with various options for its consideration. The Board then attempts to reach consensus on one of the options. The coordinating groups also coordinate the implementation of Policy Board initiatives, and both the Board and coordinating groups are briefed on the status of such initiatives by the Policy Board staff or agency officials.

Policy Board officials and publications state that much of the Policy Board's work takes place behind the scenes, and that the Board frequently provides low-key advice and consultation to agencies involved in drug law enforcement.

Objectives, Scope, and Methodology

Our review of the Policy Board's activities was conducted at the request of the Chairman of the Senate Judiciary Committee. As requested, this report outlines the Policy Board's responsibilities pursuant to the Comprehensive Crime Control Act of 1984 and provides an overview of its efforts to fulfill those responsibilities.

In examining the Policy Board's efforts in fulfilling its responsibilities under the act, we looked at the Policy Board's role in several recent federal drug law enforcement initiatives, including:

- Federal Drug Resource Allocation - an effort to bring greater consistency to reporting of drug control spending;

- The National and International Drug Law Enforcement Strategy - developed by the Policy Board as required by the Comprehensive Crime Control Act of 1984 and issued in January 1987;
- Operation Alliance - a multiagency operation aimed at halting the flow of drugs, firearms, and other contraband across the United States/Mexico border;
- Operation Blast Furnace - an operation aimed at helping the Bolivian government destroy cocaine laboratories;
- Southeast Border Air Interdiction Initiative - a study in late 1986 that examined air and marine interdiction capabilites along the southeast border and developed recommendations for improving the effectiveness of those capabilities;
- Federal-Wide Drug Seizure System - a system implemented in October 1986 for compiling information on federal drug seizures that eliminates the problem of double counting by seizing agencies; and
- Drug Crisis Management System - a system created in early 1986 to establish unified interagency approaches to international drug-related problems.

To address the Policy Board's role in these efforts, we reviewed the minutes of Board and Coordinating Group meetings to determine what issues were discussed, how agreements were reached, and how policy decisions were made. We interviewed officials whose agencies belong to the drug law enforcement coordination group and/or Board and were involved in the activities listed above to obtain information on how the Policy Board was involved in each issue. We also obtained their general opinions and perceptions of the Policy Board including its contributions and detriments to the drug law enforcement mission. We did not attempt to determine whether or not specific activities would have taken place if the Policy Board had not been in existence.

In performing the review, we also relied on our past work, which resulted in reports entitled Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes (GAO GGD-80-4, Oct. 25, 1979); Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO GGD-83-52, June 13, 1983); Reported Federal Drug Abuse Expenditures-Fiscal Years 1981 to 1985 (GAO GGD-85-61, June 3, 1985); Coordination of Federal Drug Interdiction Efforts (GAO GGD-85-67, July 15, 1985); and DRUG SMUGGLING: Large Amounts of Illegal Drugs Not Seized by Federal Authorities (GAO GGD-87-91, June 12, 1987).

This review was conducted from January to November 1987 in accordance with generally accepted government auditing standards. As

requested by the office of the Senate Judiciary Committee, we did not obtain official comments from the Policy Board on this report. However, we discussed the information it contains with the Assistant to the Chairman of the Policy Board who generally agreed with the facts presented. Our discussion included the subject of the Policy Board developing budgetary priorities for federal drug law enforcement efforts and the Assistant to the Chairman said the Board must approve certain recently submitted plans before deciding whether it could use information from the plans to develop budgetary priorities. (See pp. 25 to 28.)

Drug Law Enforcement Coordination Has Been Facilitated by the Policy Board

The Comprehensive Crime Control Act of 1984 states that the Policy Board shall facilitate coordination of U.S. operations and policy on illegal drug law enforcement. Specifically, the Policy Board is authorized to "facilitate coordination of United States Government efforts to halt national and international trafficking in illegal drugs; and coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement." As a corollary to its role as coordinator, the Policy Board also acts as a forum for conflict resolution among agencies.

In prepared testimonies and reports to Congress, the Policy Board regularly cites numerous accomplishments relating to its role in facilitating coordination among agencies involved in drug law enforcement. We reviewed several of the accomplishments the Policy Board cited and found that the Board has facilitated coordination among federal drug enforcement agencies.

The Policy Board Coordinated the Development of Operation Alliance

The Policy Board played a major role in coordinating the establishment of Operation Alliance, a multiagency effort designed to bolster U.S. interdiction of illicit drugs, firearms, and illegal aliens crossing the United States/Mexico border. Agencies involved in Operation Alliance include Customs; the Bureau of Alcohol, Tobacco and Firearms; the Secret Service; IRS; FBI; INS; DEA; U.S. Attorneys in judicial districts along the southwest border; U.S. Marshals; the Coast Guard; the Federal Aviation Administration; all branches of the military; and state and local law enforcement organizations.

The first evidence of the Policy Board's involvement in what would become Operation Alliance was at a March 1986 Coordinating Group meeting where the group discussed the growing drug threat in the Southwest United States. About the same time (April 1986), six Senators from states bordering Mexico wrote to the President requesting that he establish a multiagency task force along the Mexican border to address the growing drug trafficking threat. At the April 17, 1986, meeting of the Coordinating Group, a subcommittee chaired by the Assistant Secretary of the Treasury for Enforcement was established to study the problem on the southwest border and to formulate a federal response. In July 1986, the subcommittee reported to the coordinating group on its plan for dealing with the problem, which included transferring personnel and equipment to the border area, expanding investigative authority for Customs officers, and providing greater interdiction authority for INS Border Patrol officers working along the southwest border.

On August 14, 1986, the Vice President, as head of National Narcotics Border Interdiction System (NNBIS)[1] and the Chairman of the Policy Board jointly announced the commencement of Operation Alliance. According to the announcement, when the operation is fully implemented in 1988, 350 additional Customs inspectors; 60 new federal prosecutors; 200 additional FBI, DEA, and IRS special agents; and other law enforcement personnel will be assigned to the southwest border.

The Policy Board's Role in Operation Blast Furnace

The Policy Board's coordinating role in Operation Blast Furnace, which was primarily aimed at destroying cocaine laboratories in Bolivia, was listed by the Board as a significant activity in its 1986 progress report provided to Congress. Operation Blast Furnace was initiated at the request of the Bolivian government in order to combat the burgeoning cocaine trafficking problem in the country. The Departments of Defense, State, and Justice all agreed that the severity of the drug threat warranted U.S. assistance to the Bolivian government to reduce cocaine production there. The Departments of State and Defense and DEA planned the U.S. assistance effort which would consist of logistical and technical support to the Bolivian government in destroying cocaine laboratories. In implementing Operation Blast Furnace, the U.S. Army supplied helicopters and crews to transport Bolivian strike teams to raids of cocaine labs while DEA special agents served as advisors to the Bolivians.

Operation Blast Furnace required extensive coordination among several agencies, all of which are represented on the Policy Board or Coordinating Group. According to agency officials involved in the operation, the effort was planned at ad hoc interagency meetings outside the auspices of the Policy Board. The Policy Board, however, approved of the actions taken and received briefings before and after implementation.

The Policy Board Sought Improved Air Interdiction Capabilities in the Southeast

The Policy Board's efforts to improve air interdiction capabilities along the southeast border of the United States is described by the Board in statements to Congress and the public as one of its significant activities. The project was initiated in August 1986 by the Chairman of the Policy Board and was designed to complement Operation Alliance which was being initiated at the time along the southwest border.

In implementing the Board's directions, the Policy Board staff performed a survey of air interdiction capabilities in the southeast and

[1]NNBIS was created in March 1983 to coordinate support for drug interdiction operations.

identified several matters needing the Policy Board's decisions. In November 1986, the Board decided to

- assign the highest priority to obtaining a secure communications capability for drug interdiction agencies,
- establish a working group to oversee the procurement of secure communications hardware,
- improve existing air interdiction resources such as retrofitting Coast Guard aircraft with night vision equipment and target acquisition radar,
- direct the Navy to loan E2C surveillance aircraft to law enforcement agencies, and
- increase military surveillance of drug smuggling routes.

Several other matters were raised by the Board's staff that needed the Policy Board's decisions, which were made in December 1986, after discussions among members of the Coordinating Group. The decisions involved

- assigning the Coast Guard primary responsibility for detecting airborne drug smugglers,
- assigning both the Coast Guard and Customs responsibility for intercepting and tracking suspect aircraft,
- assigning Customs primary responsibility for apprehension of smugglers, and
- establishing a study group to provide recommendations on the best option for long-range surveillance aircraft.

These decisions were eventually codified in a May 22, 1987, Policy Board directive.

Some of the Board's decisions were outcomes of congressional mandates included in the Anti-Drug Abuse Act of 1986. In general terms, the act significantly increased the funding for drug interdiction efforts and directed certain actions. For example, the act directed the Navy to provide four E2C surveillance aircraft for drug interdiction purposes—two for Customs and two for the Coast Guard.

The Policy Board's Efforts to Coordinate the Collection of Information on Drug Law Enforcement

Another accomplishment that the Policy Board has listed in its reports to Congress and the public relates to its coordination of the collection of information on drug law enforcement. We reviewed the Policy Board's role in developing a data base that is intended to eliminate double counting of federal drug seizures.

Double counting of drug seizures has been a persistent problem in the federal government. In 1983, we reported that statistics on drugs seizures were overstated because of double and triple counting.[2]

To eliminate the persistent problem of duplicate counting of drug seizures by federal agencies, an interagency committee to study the problem, whose membership included representatives of DEA, Customs, the Coast Guard, FBI, and INS, was formed in early April 1984 (before the Policy Board was established). In May 1985, the Committee presented four alternative systems to the Coordinating Group that differed in the types of information they would contain on particular seizures. At a June 1985 Coordinating Group meeting the committee recommended one of the systems and the Coordinating Group adopted the recommendation. The following August the Policy Board approved the Coordinating Group's action on the system which became the Federal-Wide Drug Seizure Statistics System.

After the system was approved by the Coordinating Group, a disagreement arose between DEA and Customs over agency attribution for seizures. Customs did not agree to the exclusion of the seizing agency as an element in the data base and the exclusion of small seizures in the system. In order to get the system initiated, the Coordinating Group Chairman asked Customs and DEA to resolve their disagreement. The agencies compromised by agreeing that whenever statistics from the system (without attribution) are accumulated and released, the characteristics of the data, such as the exclusion of small seizures, are clearly stated. As of December 1987 the system had been implemented but was not yet producing data due to a problem with one of the agency data bases that feeds the system.

Conclusion

The Policy Board brings together drug law enforcement officials at several levels—cabinet members, agency heads, and program managers—enabling them to discuss, plan, and coordinate operations and programs.

[2]Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983)

The Policy Board also provides a forum for drug law enforcement officials to discuss and resolve interagency disputes. We believe that the Policy Board's efforts to facilitate coordination have been worthwhile and responsive to the requirements of the law establishing the Policy Board.

Chapter 3

Policy Board's Participation in Developing Anti-Drug Policy, Strategy, and Budgetary Priorities

The Policy Board has the authority under the Comprehensive Crime Control Act of 1984 to "review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities. . . ." In carrying out this authority, the Policy Board has issued two policy directives relating to the management of international crises precipitated by illegal drug trafficking and the designation of lead agencies for each aspect of federal drug control efforts. The Board has made other policy decisions to facilitate specific initiatives such as providing Border Patrol officers involved in Operation Alliance with expanded search and arrest authority. With respect to drug law enforcement strategy, the Policy Board issued the National and International Drug Law Enforcement Strategy in January 1987, which is an amalgamation of existing strategies employed by drug law enforcement agencies.

The Policy Board, however, has not exercised its authority under the act to develop budgetary priorities because it has lacked the information necessary to determine which drug law enforcement initiatives merit priority. This is the same problem we identified in our 1983 report when we recommended that the President make a clear delegation of responsibility to one individual to oversee federal drug law enforcement programs. We recommended that such responsibilities include developing "a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities."

The Policy Board was established in 1984 and has laid the foundation for such a unified budget by directing the development of a detailed profile of federal drug control expenditures. In addition, committees established by the coordinating groups in the summer of 1987 have developed an implementation plan for each of the components of the Strategy and have set measurable objectives to be achieved. These profiles of drug control expenditures and plans could serve as the basis for evaluating the effectiveness of the individual components and could be used by the Board to set budgetary priorities. As of November 20, 1987, the Board had not approved the plans; therefore, there is no way of telling whether the Board will use the information to establish budgetary priorities.

Policy Initiatives of the Policy Board

The policy initiatives of the Policy Board fall into two categories—(1) directives for setting future courses of action and (2) decisions made to facilitate drug law enforcement initiatives. The Policy Board issued

its first policy directive on February 3, 1986. This directive established an interagency procedure for managing narcotics-related international crises such as the one that occurred when DEA Agent Enrique Camarena was killed in Mexico in 1985. The effect of the Policy Board's directive, from a policy standpoint, was to declare that serious drug-related incidents overseas would now be treated as crises, thereby activating systems for managing such crises established by Presidential Directive 27.[1] According to State Department officials, many drug-related incidents have necessitated Presidential Directive 27 being activated.

The second directive issued by the Policy Board designated lead agencies for each aspect of federal drug control efforts. This directive was issued to comply with a provision of the National Defense Authorization Act for fiscal year 1987 requiring the President to designate a lead agency responsible for air and border drug interdiction as well as domestic and foreign drug law enforcement efforts. The Policy Board, in responding to this requirement, went beyond the legislative requirement by also designating lead agencies for drug abuse prevention and treatment programs.

For the most part, the Policy Board designated as lead agencies those agencies which had assumed the responsibility. For example, the Policy Board designated DEA as the lead agency for drug investigations and intelligence, and the State Department as the lead agency for international drug control. These agencies have traditionally functioned as the lead agencies in these federal drug law enforcement areas.

The Policy Board also designated the Coast Guard as the primary agency for air interdiction surveillance and detection in the southeast coastal area and over international waters. However, Congress also played a role in this decision. A provision in the Anti-Drug Abuse Act of 1986 required that the Navy provide the Coast Guard with two E2C surveillance aircraft, thus introducing the Coast Guard to the air smuggling detection arena.

The Policy Board has coordinated and approved changes in policies related to implementing special drug law enforcement initiatives. For example, in order to implement Operation Alliance, a memorandum of understanding between Customs and DEA worked out by the Coordinating Group allows certain Customs agents to perform investigations of

[1]Presidential Directive 27 describes a systematic method for our government to handle international crises that may have an impact on foreign relations.

drug smuggling operations that cross the Mexican border. The Coordinating Group also worked out a memorandum of understanding between Customs and INS to give INS Border Patrol officers stationed along the United States/Mexican border Customs drug search and arrest authority.

Another illustration of a policy decision made by the Policy Board relates to efforts to eradicate cannabis.[2] In August 1986, the Policy Board issued an Analysis of the Domestic Cannabis Problem and the Federal Response which was prepared by the Policy Board staff. This report contains 20 recommendations for str nthening efforts to eradicate domestically produced marijuana and other cannabis derivatives. Several of these recommendations, which were adopted by the Policy Board, would clarify existing policy. For example, the report recommends that the eradication of ditchweed (a form of cannabis with a low potency which generally grows wild) should be done entirely by state and local agencies at their expense, and that the federal government should concentrate its resources on eradicating more potent forms of cannabis.

Policy Board Has Provided a Federal Drug Enforcement Strategy

In January 1987, the Policy Board issued its drug law enforcement strategy in a document entitled National and International Drug Law Enforcement Strategy. Each section of the Strategy was developed by the federal agencies having responsibility for the activities described and presents the objectives and nature of ongoing agency efforts.

The Intent of the National and International Strategy

The Comprehensive Crime Control Act of 1984 placed the responsibility on, and provides the authority for, the Policy Board to develop a federal strategy for federal drug law enforcement efforts. In the National and International Drug Law Enforcement Strategy, the Policy Board states that the intent of the Strategy is to

- endorse, adopt, and pursue the vision of a drug-free society and focus on intermediate national goals of a measurable and sustained decline in drug abuse of all kinds.
- build on the accomplishments of recent years rather than departing radically from past law enforcement programs.

[2]Cannabis is the plant from which the drug products marijuana and hashish are derived.

- build on the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking.[3]
- remain sufficiently flexible to adapt to changing threats, and to accommodate geographic peculiarities and differences in the drugs themselves.

The Policy Board recognizes serious limitations to the federal strategy. The Policy Board says that there are "limits to what a free society can do to curb illicit activity without unreasonable infringements on the legitimate pursuits of its people and institutions."[4] The Policy Board also says that reliable measures of effectiveness are lacking because the clandestine nature of drug trafficking limits the amount and accuracy of data.

How the Strategy Was Developed

The development of the strategy began in January 1986 when the Chairman of the Policy Board's Coordinating Group proposed five subcommittees to develop sections of the strategy consistent with existing federal efforts in drug law enforcement. One subcommittee chaired by Customs was to develop a strategy for drug interdiction efforts. Another subcommittee chaired by the State Department's Bureau of International Narcotics Matters was to develop a strategy for international efforts. Three other subcommittees chaired by DEA were to develop a strategy for investigations, state and local initiatives, and diversion of otherwise legal drugs into the illicit market.

According to minutes of Coordinating Group meetings, progress on the Strategy was delayed because of enactment of the Anti-Drug Abuse Act of 1986 which added more than $1 billion to the funds budgeted for drug law enforcement (from about $1.9 billion in fiscal year 1986 to about $3.0 in fiscal year 1987). By November 19, 1986, comments on a preliminary draft of the Strategy were provided by agencies involved in drug law enforcement and changes were made. In addition, several new sections had been added, which included a discussion of provisions of the Anti-Drug Abuse Act of 1986, updates on ongoing anti-drug activities, and a discussion of federal anti-drug efforts on the southwest border.

[3]The 1984 National Strategy For Prevention of Drug Abuse and Drug Trafficking was prepared by The White House Drug Abuse Policy Office. It outlines the federal program for reducing the supply of and demand for drugs.

[4]National and International Drug Law Enforcement Strategy, January 1987, p. 6.

During the development of the Strategy, one objection to the approach being taken was raised. The minutes of the Coordinating Group meeting of December 17, 1986, noted that the Commissioner of Customs said, for the record, that Customs had not approved the draft strategy. The Commissioner expressed a preference for a strategy for each type of illicit drug being abused in the United States; i.e., a specific strategy for cannabis, cocaine, heroin, etc. At the time, the draft strategy was with the Policy Board for approval; therefore, the suggestion was discounted.

Strategy Is Primarily a Description of Existing Activities

The Strategy identifies five major components of the federal drug law enforcement strategy—intelligence, international drug control, interdiction and border control, investigation and prosecution, and diversion and controlled substance analogue regulation (this includes the diversion of legitimate pharmaceutical drugs and industrial chemicals used to synthesize drugs into the illicit market)—and describes the general nature and objectives of federal drug law enforcement activities relating to each component. The Policy Board intended that the Strategy provide broad guidance to federal agencies when planning or implementing new initiatives or modifying existing efforts.

The following excerpt from the Strategy illustrates how the Policy Board dealt with the intelligence component which it considers one of the most important components of federal drug law enforcement efforts. According to the Policy Board, improved intelligence capabilities may offer the best hope for better enforcement success.

In the Strategy, the Policy Board states that the federal intelligence strategy is to

- employ intelligence fully and in a balanced fashion;
- have intelligence agencies focus on producing accurate, timely estimates of drug cultivation, production, consumption, exportation, and seizures both inside and outside source countries;
- more thoroughly and accurately describe traffickers and their organizations, practices and affiliations;
- have organizations collecting intelligence standardize their methodologies for testing the accuracy of their data;
- coordinate the intelligence activities of law enforcement and intelligence communities;
- develop accurate indicators of patterns, trends, and degrees of smuggling activities;

- assess the capabilities and constraints of foreign military and law enforcement units to respond to drug threats;
- analyze the structure of trafficking organizations and identify their weaknesses; and
- effectively and efficiently use all enforcement agencies, including those of foreign source and transshipment countries.

Another illustration of the broad guidance offered by the Strategy relates to interdiction and border control. This section of the Strategy describes the components of the federal interdiction strategy including: detecting and intercepting smugglers during transit to the United States or at the U.S. border; responding flexibly and unpredictably to the changing smuggling threats; and developing new technologies to detect and intercept smugglers. This section also lists priority areas within each component. For example, a major detection priority is stated to be improving the collection and dissemination of intelligence needed to determine the existence, location, and techniques of drug traffickers.

Most of the officials we interviewed from agencies to which the Strategy applies, including those from the Coast Guard, Customs, and DEA, said the Strategy is useful because it combines a description of the broad strategies for each component of the federal drug law enforcement effort in one document. A few officials also noted that the Strategy, by outlining the general direction of federal drug enforcement efforts, provides a basis for future policy decisions regarding these efforts.

In the summer of 1987 the coordinating groups established committees to develop implementation plans for each of the components of the Strategy. According to the Assistant to the Chairman of the Policy Board, the committees have submitted their implementation plans to the coordination groups, and as of November 20, 1987, the plans were being reviewed by the coordination groups and were being presented to the Board.

Policy Board Has Not Developed Budgetary Priorities

Under the Comprehensive Crime Control Act of 1984, the Policy Board has the responsibility for and the authority to develop budgetary priorities among the various federal drug law enforcement programs. The act also states that the Chairman, on behalf of the Board, is authorized to review and approve the reprogramming of funds relating to budgetary priorities. At the first Board meeting in April 1985, the Chairman defined the Policy Board's role in the budget process as one of reviewing agency budget requests, making recommendations to the President, and

determining where reallocations should be made. The Policy Board has contributed to providing a better understanding of federal expenditures for the various components of the federal strategy but has not developed budgetary priorities among these components.

Lack of Information Hindered Development of Budget Priorities

In the past, Congress has experienced difficulties in overseeing federal drug enforcement efforts because of the lack of information on expenditures for drug enforcement programs. This absence of information was evident when we prepared our 1983 report, Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983). In preparing this report, we found it necessary to develop our own estimates of drug interdiction-related expenditures by Customs, the Coast Guard, and DEA, because these agencies did not account for specific expenditures in their law enforcement budgets.

In our 1983 report, we recommended that DEA, Customs, and Coast Guard officials work together to develop a management information system(s) that accumulates drug interdiction program results. We also recommended that the President make a clear delegation of responsibility to one individual to oversee federal drug law enforcement programs. Further, we recommended that such responsibilities include developing "a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities."

In another report, Reported Federal Drug Abuse Expenditures-Fiscal Years 1981 to 1985 (GAO/GGD-85-61, June 3, 1985), we also noted a deficiency in the reports agencies were required to prepare on their overall outlays for drug abuse programs for inclusion in the Federal Drug Abuse Budget Summary issued by the White House Drug Abuse Policy Office. The Federal Drug Abuse Summary included overall expenditures for drug abuse control by agency, but did not break out expenditures for specific programs such as drug interdiction or investigations. In our report, we also noted that the White House Drug Abuse Policy Office had not established specific criteria for agencies to follow in allocating drug-related expenditures such as expenditures for headquarters overhead, resulting in the inconsistent reporting of such expenditures.

At the March 1986 Policy Board meeting, the Chairman directed the Coordinating Group and the Policy Board staff to begin studies that would recommend policy and strategy alternatives as well as resource allocations. However, we found no evidence that studies recommending

resource allocations were performed. The House Committee on Government Operations which also looked into this issue, was told by the Treasury's Assistant Secretary for Enforcement that the studies were not undertaken because of the difficulty in assigning comparative values to different drug law enforcement strategies.

The difficulty in assigning comparative values was also alluded to in the Policy Board Strategy. The Board said that one limitation of the Strategy was the lack of reliable measures of effectiveness because the clandestine nature of drug trafficking limits the amount and accuracy of data.

Policy Board Has Sponsored Improvement of Information on Drug Control Programs

Recognizing the problem of limited and inconsistent information on agency drug control expenditures, the Policy Board sponsored the development of an improved system for reporting such expenditures. In September 1985, the Chairman of the Policy Board tasked the Coordinating Group and OMB to develop a process for agencies to follow in compiling information on their drug control resource allocations. After consulting with the Policy Board staff, OMB issued new guidelines at the May 1986 Coordinating Group meeting. The agencies represented on the Coordinating Group used these guidelines to calculate their fiscal year 1987 and fiscal year 1988 drug control budget summaries which included breakdowns of expenditures for each component of the Policy Board's Strategy. (They also reevaluated their drug control summaries for fiscal year 1981 through fiscal year 1986 based on the new guidelines.) The agencies subsequently submitted these summaries to OMB for review and consolidation. OMB's consolidated fiscal year 1981 through fiscal year 1988 summaries and these were included in the National and International Drug Law Enforcement Strategy.

As discussed above, the coordinating groups have established committees to develop implementation plans for each of the components of the Strategy. According to the Assistant to the Chairman of the Policy Board, the implementation plans will contain measurable objectives for each of the federal programs that make up the components of the Strategy. He said that information has also been developed on current and planned spending for each of the programs. With regard to whether the Policy Board would use this information in establishing budgetary priorities, the Assistant to the Chairman of the Policy Board said the Policy Board would have to approve the implementation plans before deciding whether to use them to set such priorities.

Conclusion

The Comprehensive Crime Control Act of 1984 provides the Policy Board with the responsibility for and the authority to review, evaluate, and develop drug law enforcement policy, strategy, and budgetary priorities. The Policy Board has developed policy to the extent that it has issued two policy directives and made policy decisions to facilitate special drug enforcement operations, such as Operation Alliance. In the area of drug law enforcement strategy, the Policy Board has exercised its responsibility and authority by issuing the National and International Drug Law Enforcement Strategy, which is an amalgamation of the existing strategies employed by drug law enforcement agencies. We believe that these actions are consistent with the charge in the Comprehensive Crime Control Act of 1984.

The Policy Board, however, has been hindered in developing budgetary priorities, because it lacks the information necessary to determine which drug law enforcement initiatives merit priority. This is the same problem we identified in our 1983 report when we recommended that the President make a clear delegation of responsibility to one individual to oversee federal drug law enforcement programs. We recommended that such responsibilities include developing "a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities."

At the Board's prompting, a consolidated drug control budget including breakdowns of expenditures for specific federal drug control programs was developed. This was a logical first step for developing budgetary priorities.

A logical second step would be the development of measurable objectives for each component of the anti-drug program that are expected to be achieved through the federal expenditures. The Board has initiated the second step by directing the development of plans for the implementation of the National and International Drug Law Enforcement Strategy, which includes objectives for the programs that make up the Strategy. Data from the Board's initiatives could be the basis for developing the necessary priorities. Whether the data contained in the implementation plans provides the Policy Board with the necessary information to begin setting budgetary priorities and whether the Policy Board uses the information for that purpose remains to be seen.

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